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## NOTICE OF ALLOWANCE AND FEE(S) DUE

49845

7590

06/15/2009

SCHWEGMAN, LUNDBERG & WOESSNER/EBAY  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402

EXAMINER

SHEIKH, ASFAND M

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 06/15/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,562	09/27/2000	Thomas G. Woolston	2043.566US5	7517

TITLE OF INVENTION: METHOD FOR FACILITATING COMMERCE AT AN INTERNET-BASED AUCTION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$0	\$0	\$755	09/15/2009

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail**

**Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

49845 7590 06/15/2009

**SCHWEGMAN, LUNDBERG & WOESSNER/EBAY  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402**

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE-FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,562	09/27/2000	Thomas G. Woolston	2043.566U\$5	7517

**TITLE OF INVENTION: METHOD FOR FACILITATING COMMERCE AT AN INTERNET-BASED AUCTION**

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nonprovisional	YES	\$755	\$0	\$0	\$755	09/15/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
SHEIKH, ASFAND M	3627	705-026000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

2. For printing on the patent front page, list

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/147; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, \_\_\_\_\_ 1  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. \_\_\_\_\_ 2  
\_\_\_\_\_ 3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.111. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER

SHEIKH, ASFAND M

ART UNIT

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## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 507 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 507 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability****Application No.**

09/670,562

**Applicant(s)**

WOOLSTON, THOMAS G.

**Examiner**

Asfand M. Sheikh

**Art Unit**

3627

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 19 March 2009.
2. ☒ The allowed claim(s) is/are 21 and 22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 3/19/2009
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/F. Ryan Zeender/  
Supervisory Patent Examiner, Art Unit 3627

***Prosecution History***

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 19<sup>th</sup> of March, 2009 has been entered.

The examiner notes that claims 21 and 22 remain pending for examination and that claims 1-20 and 23-24 have been canceled.

The examiner notes therefore claims 21 and 22 are in condition for allowance for at least the reasons set forth below:

***Examiners Statement for Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

The present invention is directed to a system for facilitating commerce at an internet-based auction. The system includes authorizing a first participant to post an item for auction at an internet auction site. The received information includes a

designation of a category selected from a list of categories, under which the item is to be auctioned. The received information is processed into a presentation format with a database-to-presentation format formatting program. The presentation format includes an indication of the category of the item to be auctioned. The presentation formatted information is presented to a plurality of internet participants. The host computer then receives at least one bid for the auctioned item from at least one of the internet participants.

The following reference has been identified as the most relevant prior art to the claimed invention. The prior art mostly relates to a computer system for facilitating an electronic auction.

Lindsey et al. (US 5,285,383) discloses a computer system executing a computer application program operative to authorizing a plurality of remote seller participants (gin seller) to post, using a computer application program executing on a computer system associated with the plurality of remote seller participants, a plurality of items (cotton bales) for auction at a remote auction system. Lindsey et al. further disclose the computer application program retrieving information about a structure of the remote auction system from a data repository while the computer application program is isolated from communication with the remote topical arranged internet based auction system (cotton gin application program allows for data as set forth gin name, address code see col. 5 lines 55-60); a database stored in the computer system having a

structure corresponding to the structure of the remote auction system including a selection of categories and sub-categories for the arrangement of multiple auction instances by the plurality of seller participants (data base 25); the user interface program operative to provide one or more data input fields to receive from the plurality of remote participant sellers a title and a subjective textual description for the plurality of items (cotton gin application program allows for data as set forth gin name, address code see col. 5 lines 55-60); the computer system generating a data header that contains a user identification code corresponding to the plurality of remote participant sellers for the data record created for the plurality of items (see table col. 7,8 of Lindsey et al.). Lindsey et al. further disclose a table (see cols. 7 et seq.) which the host computer system presents as formatted information to a plurality of bidding internet participants (commodity buyer terminals 18), and receiving at least one bid for the plurality of items from at least one of the plurality of bidding internet participants (see col. 28 lines 48-52).

However, Lindsey et al. fails to disclose the computer application program further including a user interface program operative to provide to the plurality of seller participants the selection of categories and sub-categories for inputting data to build a data record of the plurality of items that will be subsequently posted into the remote topical arranged internet- based auction system, the selection of the categories and sub-categories based at least in part from the information about the structure of the remote topical arranged auction system retrieved from the data repository to assure

proper linkage into the structure maintained by the remote topical arranged internet-based auction system when the computer application program subsequently communicates the data record of the items to create the automated ascending bid auction instances for the plurality of items at the remote topical arranged internet-based auction system; and a communication handler program executing on a host computer system housing the remote topical arranged internet-based auction system receiving information from the computer application program executing on the computer system about the plurality of items to be auctioned, the received information comprising the selection of categories and sub- categories, the title and the subjective textual description of the plurality of items, and the data header and the use of authentication information to login to an open network on order conduct transactions and the asynchronous generation and scheduling of automated ascending bid auction instances whereby remote seller participants are authorized to operate a computer application program to coordinate asynchronous generation and scheduling of automated ascending bid auction instances in the remote arranged internet-based auction system while the computer application program is isolated from communication with the remote topical arranged internet- based auction system does he disclose the handler program further processing the received information at the host computer system housing the remote internet based- auction system into a presentation format comprising scheduling information received from the seller participant operating the computer application program to (a) post the data record in the remote topical arranged internet- based auction system to initiate the automated ascending bid auction instances at the remote



arranged internet- based computer system, (b) designate a time at which the computer application program will contact the remote topical arranged internet-based auction system to post at least one data record to initiate the automated ascending bid auction instance for the at least one data record at the remote topical arranged internet-based auction system, or (c) post the data record in the remote topical arranged internet-based auction system designating the plurality of items as on-hold awaiting the automate descending bid auction instance start date at the remote topical arranged internet-based auction system.

A person having ordinary skill in the art at the time the invention was made would have not been motivated to combine the limitations/missing features with Lindsey et al.. The examiner notes the combination of missing features and the other limitation(s) found in the independent claim make the invention novel and unobvious over the cited prior art.

The following non patent literature has been identified as the most relevant prior art to the claimed invention. The prior art mostly relates to the building of a disturbed electronic marketing system

"The Design and Building of ENCHERE, A Distributed Electronic Marketing System," by Banatre et al., discloses a topically arranged system in which a plurality of sellers may post items for sale (see at last, page 7). Banatre further discloses the use of time

stamps to inform the buyers system of the sellers that posted their items first thereby creating fairness between the plurality of sellers (see at least, page 7).

However, Banatre et al. fails to disclose the computer application program further including a user interface program operative to provide to the plurality of seller participants the selection of categories and sub-categories for inputting data to build a data record of the plurality of items that will be subsequently posted into the remote topical arranged internet- based auction system, the selection of the categories and sub-categories based at least in part from the information about the structure of the remote topical arranged auction system retrieved from the data repository to assure proper linkage into the structure maintained by the remote topical arranged internet-based auction system when the computer application program subsequently communicates the data record of the items to create the automated ascending bid auction instances for the plurality of items at the remote topical arranged internet-based auction system; and a communication handler program executing on a host computer system housing the remote topical arranged internet-based auction system receiving information from the computer application program executing on the computer system about the plurality of items to be auctioned, the received information comprising the selection of categories and sub- categories, the title and the subjective textual description of the plurality of items, and the data header and the use of authentication information to log on to an open network on order conduct transactions and the asynchronous generation and scheduling of automated ascending bid auction instances

whereby remote seller participants are authorized to operate a computer application program to coordinate asynchronous generation and scheduling of automated ascending bid auction instances in the remote arranged internet-based auction system while the computer application program is isolated from communication with the remote topical arranged internet- based auction system does he disclose the handler program further processing the received information at the host computer system housing the remote internet based- auction system into a presentation format comprising scheduling information received from the seller participant operating the computer application program to (a) post the data record in the remote topical arranged internet- based auction system to initiate the automated ascending bid auction instances at the remote arranged internet- based computer system, (b) designate a time at which the computer application program will contact the remote topical arranged internet-based auction system to post at least one data record to initiate the automated ascending bid auction instance for the at least one data record at the remote topical arranged internet-based auction system, or (c) post the data record in the remote topical arranged internet-based auction system designating the plurality of items as on-hold awaiting the automate descending bid auction instance start date at the remote topical arranged internet-based auction system.

A person having ordinary skill in the art at the time the invention was made would have not been motivated to combine the limitations/missing features with Banatre et al. The examiner notes the combination of missing features and the other limitation(s)

found in the independent claim make the invention novel and unobvious over the cited prior art.

Any comments considered necessary by the application must be submitted no later than the payment of the issue fee and, to avoid processing delays, show preferably accompany the issue fee. Such submission should be clearly labeled "Comments On Statement of Reasons for Allowance".

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571)272-1466. The examiner can normally be reached on 9a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on (571)272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Asfand M. Sheikh/  
Examiner, Art Unit 3627  
6/7/2009

/F. Ryan Zeender/  
Supervisory Patent Examiner, Art Unit 3627